APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,427	01/10/2001	Ian R. Finlay	CA9-2000-0015/1852P	8482

7590   12/03/2002

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EXAMINER
LY, ANH

ART UNIT	PAPER NUMBER
2172	

DATE MAILED: 12/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No. 09/757,427	**Applicant(s)** FINLAY ET AL.
Office Action Summary	**Examiner** Anh Ly	**Art Unit** 2172	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 January 2001* .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *4* .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Priority

1.   Acknowledgment is made of applicant's claim for foreign priority based on an application filed

in 09/757,427 on 01/11/2001. It is noted, however, that applicant has not filed a certified copy of the

2,306,946 application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis

for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No.

5,758,149 issued to Bierma et al. (herein Bierma).

With respect to claim 1, Bierma discloses a)utilizing a query processor to call a data manager

and request the return of data from the set of data (see figs 1, 2 and 5, query processor (item 10),

database query (item 212) for query program (item 214) of DBMS (item 220) as data manager (col. 3,

lines 20-26 and lines 40-52; also col. 11, lines 44-60 and col. 8, lines 56-64); b) allowing the data

manager to locate query-specified data and make a determination regarding the query-specified data

(col. 8, lines 56-64); c) utilizing the data manager to write the query-specified data to a buffer based

on the determination (see fig 2, query buffer (item 50 and 52) and col. 6, lines 42-54; also col. 7, lines

45-52 and col. 19, lines 9-21); and d) utilizing the query processor to retrieve the query-specified data

from the buffer (col. 11, lines 50-55).

With respect to claim 2, Bierma discloses wherein the determination involves determining whether the query-specified data is to be ignored, consumed, or returned to the query processor (col. 19, lines 50-54).

With respect to claim 3, Bierma discloses wherein the determination is that the query-specified data is to be returned to the query processor (col. 19, lines 50-54).

With respect to claim 4, Bierma discloses 1) locating a page containing query-specified data (col. 25, lines 38-48; also col.12, lines 35-44); 2) stabilizing the page (col. 25, lines 38-55); and 3) accessing the page (col. 7, lines 15-26).

With respect to claim 5, Bierma discloses maintaining the stabilization of the page, while the data manager writes all the query-specified data on the page to the buffer (col. 19, lines 8-20).

Claim 6 is essentially the same as claim 1 except that it is directed to a system rather than a method (see figs 1, 2 and 5, query processor (item 10), database query (item 212) for query program (item 214) of DBMS (item 220) as data manager (col. 3, lines 20-26 and lines 40-52; also col. 11, lines 44-60 and col. 8, lines 56-64; col. 8, lines 56-64; see fig 2, query buffer (item 50 and 52) and col. 6, lines 42-54; also col. 7, lines 45-52 and col. 19, lines 9-21; col. 11, lines 50-55), and is rejected for the same reason as applied to the claim 1 hereinabove.

Claim 7 is essentially the same as claim 2 except that it is directed to a system rather than a method (col. 19, lines 50-54), and is rejected for the same reason as applied to the claim 2 hereinabove.

Claim 8 is essentially the same as claim 3 except that it is directed to a system rather than a method (col. 19, lines 50-54), and is rejected for the same reason as applied to the claim 3 hereinabove.

Claim 9 is essentially the same as claim 4 except that it is directed to a system rather than a method (col. 25, lines 38-48; also col.12, lines 35-44; col. 25, lines 38-55; col. 7, lines 15-26), and is rejected for the same reason as applied to the claim 4 hereinabove.

Claim 10 is essentially the same as claim 5 except that it is directed to a system rather than a method (col. 19, lines 8-20), and is rejected for the same reason as applied to the claim 5 hereinabove.

Claim 11 is essentially the same as claim 1 except that it is directed to a computer readable medium rather than a method (see figs 1, 2 and 5, query processor (item 10), database query (item 212) for query program (item 214) of DBMS (item 220) as data manager (col. 3, lines 20-26 and lines 40-52; also col. 11, lines 44-60 and col. 8, lines 56-64; col. 8, lines 56-64; see fig 2, query buffer (item 50 and 52) and col. 6, lines 42-54; also col. 7, lines 45-52 and col. 19, lines 9-21; col. 11, lines 50-55), and is rejected for the same reason as applied to the claim 1 hereinabove.

Claim 12 is essentially the same as claim 2 except that it is directed to a computer readable medium rather than a method (col. 19, lines 50-54), and is rejected for the same reason as applied to the claim 2 hereinabove.

Claim 13 is essentially the same as claim 3 except that it is directed to a computer readable medium rather than a method (col. 19, lines 50-54), and is rejected for the same reason as applied to the claim 3 hereinabove.

Claim 14 is essentially the same as claim 4 except that it is directed to a computer readable medium rather than a method (col. 25, lines 38-48; also col.12, lines 35-44; col. 25, lines 38-55; col. 7, lines 15-26), and is rejected for the same reason as applied to the claim 4 hereinabove.

Claim 15 is essentially the same as claim 5 except that it is directed to a computer readable medium rather than a method (col. 19, lines 8-20), and is rejected for the same reason as applied to the claim 5 hereinabove.

Contact Information

4.   Any inquiry concerning this communication should be directed to Anh Ly whose

telephone number is (703) 306-4527 or via E-Mail: **ANH.LY@USPTO.GOV**. The

examiner can be reached on Monday – Friday from 8:00 AM to 4:00 PM.

If attempts to reach the examiner are unsuccessful, see the examiner's

supervisor, Kim Vu, can be reached on (703) 305-4393.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: (703) 746-7238 (after Final Communication)

or: (703) 746-7239 (for formal communications intended for entry)

or: (703) 746-7240 (for informal or draft communications, or Customer Service

Center, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal

Drive, Arlington, VA, Fourth Floor (receptionist).

Inquiries of a general nature or relating to the status of this application should be

directed to the Group receptionist whose telephone number is (703) 305-3900.

AL
Nov. 27th, 2002.

HOSAIN T. ALAM
PRIMARY EXAMINER